

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARIEN HOUSER,)	
)	
Petitioner,)	Civil Action No. 10-416
)	District Judge Donetta Ambrose
v.)	Magistrate Judge Cynthia Reed Eddy
)	
JEFFREY BEARD, et al,)	
)	
Respondents.)	
)	
)	

ORDER

Plaintiff Darien Houser (“Plaintiff”) is an inmate incarcerated at the State Correctional Institution at Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. Plaintiff filed this cause of action against numerous Defendants on March 29, 2010, alleging claims arising from the Civil Rights Act of 1871, 42 U.S.C. § 1983, the Americans with Disabilities Act, 42 U.S.C. § 12101, and various state tort laws. (doc. no. 4). As of the time of this order, Defendants have not yet been served the complaint, despite numerous court orders to do so. See (docs. no. 6, 7, 10, 13, and 19). On February 3, 2011, this Court denied plaintiff’s motion for discovery because none of the defendants had been served. (doc. no. 16). And they still have not been served.

Plaintiff has filed a letter docketed as a motion for preliminary injunction (doc. no. 23), as it requests affirmative relief in the nature of medical treatment he claims he needs urgently. No Defendants have been served this Complaint, this motion or, for that matter, any of plaintiff’s previous motions. Consequently, this motion also must be denied.

AND NOW, this 15th day of December, 2011,

IT IS HEREBY ORDERED that Plaintiff’s motion for preliminary injunction (doc. no.

23), is **DENIED**.

IT IS FURTHER ORDERED that plaintiff is allowed until December 30, 2011, to appeal this order to a district judge pursuant to Rule 72.C.2 of the Local Rules for Magistrates. Failure to timely appeal may constitute waiver of the right to appeal.

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc:
DARIEN HOUSER
GL-7509
175 Progress Drive
Waynesburg, PA 15370